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September 7, 2010

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By ECF

Hon. Viktor V. Pohorelsky  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Precision Associates, Inc et al v. Panalpina World Transport (Holding) Ltd. et al.*,  
No. 1:08-CV-0042 (JG) (VVP)

Dear Magistrate Judge Pohorelsky:

We represent defendant United Parcel Service, Inc. and UPS Supply Chain Solutions, Inc. (collectively, "UPS") in the above-referenced action, and I am writing on behalf of counsel for the moving defendants regarding the hearing in this matter set for Wednesday, September 15, 2010 at 2:00 p.m.

Having consulted with plaintiffs' counsel, the parties jointly submit for your consideration the enclosed proposed agenda for the oral argument on defendants' motions to dismiss. Defendants will streamline the argument to the greatest extent possible, and will strive to avoid duplication of arguments during the hearing.

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Hon. Viktor V. Pohorelsky  
September 7, 2010  
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Please note that the parties do not intend to argue the pending personal jurisdiction motions, but can do so if the Court wishes.<sup>1</sup>

Respectfully submitted,

/s/ Paul T. Friedman  
Paul T. Friedman

Enclosure  
cc: All Counsel via ECF

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<sup>1</sup> The motions to dismiss for lack of personal jurisdiction filed by Defendants Vantec World Transport Co., Ltd., ABX Logistics Worldwide NV/SA, Dachser GmbH, DSV A/S, DSV Solutions Holding A/S, "K" Line Logistics, Ltd., MOL Logistics (Japan) Co., Ltd., Nippon Express Co., Ltd., Nissin Corporation, United Aircargo Consolidators, Inc., Yamato Global Logistics Japan Co., Ltd., and Yusen Air & Sea Service Co., Ltd. (Docket Nos. 392, 428) and Morrison Express Logistics Pte. Ltd. (Docket Nos. 396, 431) were not included in the referral order entered on March 23, 2010.

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*Precision Associates, Inc. v. Panalpina World Transport (Holding) Ltd., et al.*

**Case No. 1:08-cv-00042**

Oral Argument on Defendants' Motions to Dismiss

Wednesday, September 15, 2010, 2:00 p.m.

Courtroom 13A, Eastern District of New York – Brooklyn

**Proposed Agenda**

**TWOMBLY ISSUES COMMON TO DEFENDANTS**

**(APPROXIMATELY 1 HR)**

Includes argument on Defendants' Joint Twombly Motions:

- (First Served) Defendants Joint Motion to Dismiss First Amended Complaint (Docket 234)
- Late Served Defendants Joint Motion to Dismiss First Amended Complaint (Docket 387)
- Joint Motion to Dismiss of U.S. Subsidiaries (Defendants Nippon Express USA, Inc., Yusen Air & Sea Service (U.S.A.), Inc., Kintetsu World Express (U.S.A.), Inc., Nissin International Transport U.S.A., Inc., Vantec World Transport (USA), Inc., "K" Line Logistics (U.S.A.), Inc., Yamato Transport U.S.A., Inc., MOL Logistics (U.S.A.), Inc., and Hanshin Air Cargo USA, Inc.) (Docket 233)

**FTAIA MOTIONS (APPROXIMATELY 1 HR)**

Includes argument on:

- (First Served) Defendants Joint Motion to Dismiss First Amended Complaint for Failure to Meet FTAIA Requirements (Docket 235)
- Late Served Defendants Joint Motion to Dismiss First Amended Complaint for Failure to Meet FTAIA Requirements (Docket 386)

**INDIVIDUAL DEFENDANT-SPECIFIC MOTIONS**

**(APPROXIMATELY 1 HR TOTAL)**

Includes argument on individual motions of:

- Dachser entities (Docket 218/220; 391)
- DSV entities (Docket 383/384)
- Expeditors (Docket 119)
- Jet Speed entities (Docket 242)
- Morrison Express entities (Docket 297; 397)
- SDV entities (Docket 390)
- Toll Global Forwarding (Docket 247)
- UTi Worldwide (Docket 239)